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Security Council

Sixtieth year

Provisional

5289th meeting

Monday, 24 October 2005, 10 a.m.

New York

President:	Mr. Motoc	(Romania)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Mrs. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Bolton

Agenda

Security Council resolution 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/635)

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05-56546 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/635)

The President: I should like to inform the Council that I have received a letter from the representative of Serbia and Montenegro, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to the Prime Minister of the Republic of Serbia, His Excellency Mr. Vojislav Koštunica.

At the invitation of the President, Mr. Koštunica (Serbia and Montenegro) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kai Eide, Special Envoy of the Secretary-General for the comprehensive review of the situation in Kosovo.

It is so decided.

I invite Mr. Eide to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite Mr. Jessen-Petersen to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/635, which contains a letter dated 7 October 2005 from the Secretary-General transmitting a comprehensive review of the situation in Kosovo (Serbia and Montenegro).

The President: I welcome the presence at this meeting of the Secretary-General, His Excellency Mr. Kofi Annan.

I now give the floor to the Special Envoy of the Secretary-General, Mr. Kai Eide.

Mr. Eide: I am deeply grateful to the Secretary-General for having asked me to undertake a comprehensive review of the situation in Kosovo. I am grateful to you, Mr. President, for allowing me to present the main findings and conclusions to the Security Council. I am pleased to see Prime Minister Koštunica here today; our many discussions in Belgrade provided very important inputs for my work. I would also like to express my admiration for the dynamic leadership of the Special Representative of the Secretary-General, Mr. Søren Jessen-Petersen, over the past year.

The purpose of the review was to assess whether the conditions are now in place for conducting the process to determine Kosovo's future status.

In a report to the Secretary-General last year (S/2004/932, annex I, enclosure), I emphasized that there would never be a good moment for addressing Kosovo's future status. That impression was confirmed during my recent work.

First, determining Kosovo's future status is, and will remain, a highly sensitive political issue with serious regional and wider international implications. Secondly, the basic positions of the parties remain diametrically opposed with no — or at least very little — common ground. Thirdly, the prospects for a genuine reconciliation process on the ground are, and will probably remain, modest under the current circumstances.

A significant part of the work on the comprehensive review was devoted to reviewing developments on the ground, including the implementation of standards. The picture is, indeed, mixed.

The establishment of institutions and of a broad legal framework and the development of public services have been impressive. Over the past year, significant transfer of competences has taken place, and more is planned for the near future. The local leaders are gradually taking ownership of the new institutions and becoming more efficient. A civil service is taking shape and becoming more professional. I commend Kosovo's leaders and the civil service for those achievements. There are, of course, shortcomings in many respects, due to lack of expertise, lack of resources and lack of accountability. The international community should remain ready to provide long-term assistance for institutional development, including capacity-building.

The institutional framework also includes law-enforcement bodies: the Kosovo Police Service and a justice system. Both are operational throughout Kosovo. However, there is a lack of ability and readiness to enforce legislation. While the Kosovo Police Service is developing in a promising way, the justice system remains weak. Both find it difficult to address serious crimes, including crimes of an inter-ethnic nature, organized crime and corruption, which remain serious threats to Kosovo's stability. Under such circumstances, the number of international judges and prosecutors should be maintained, a strong and well-qualified international police presence should be ensured and great caution should be exercised in the transfer of competences in such sensitive areas as police and justice. We must ensure that all components of the law-enforcement system are strengthened, so that every person can have confidence in them.

The situation with regard to inter-ethnic relations is grim. It is true that the overall security situation seems more stable than it was a year ago. However, the situation on the ground remains worrying. Frequent unreported incidents of inter-ethnic violence and crime affect security and freedom of movement. When perpetrators remain at large, an atmosphere of impunity prevails.

Furthermore, tens of thousands of property cases remain unresolved. With no access to illegally occupied land and properties, sustainable returns are hard to achieve. The backlog of such unresolved property cases must be urgently addressed.

The overall return process has virtually come to a halt. It is a widely held view that as many or more Kosovo Serbs are now leaving than returning and that that process may be accelerating. We have to reverse that trend. The return policies should be revised in order to allow for support for those who wish to return to places where they can live and not only to places where they have lived. It must also place greater emphasis on support for returnees over longer periods of time and for those who have remained, in order to attract those who wish to return.

While our focus is almost always concentrated on the relationship between Kosovo Albanians and Kosovo Serbs, we must not forget that other minorities also face serious hardship. I would like to single out the continued existence of internally displaced persons camps — such as those in Plementina and Zitkovac — as distressing. To reverse that trend in inter-ethnic relations, great emphasis should be placed on protecting the identities of all communities and on their ability to influence their own future. In that respect, allow me to highlight two areas where action is required.

First, there is a need to create a protective space around Serbian Orthodox religious sites and institutions, with the involvement of the international community, in order to make them less vulnerable to political manipulation. Secondly, wider decentralization will be a critical element in any effort to ensure a viable, multi-ethnic Kosovo, where all communities can influence their own lives in a meaningful way. Devolution of powers and enhanced competences to municipalities where minorities, in particular Kosovo Serbs, have a comfortable majority would establish effective institutional guarantees for minorities and increase confidence in Kosovo's central institutions.

As I said at the outset, there is probably no good moment for addressing Kosovo's future status. Nevertheless — and in spite of the shortcomings I have mentioned — I sincerely believe that the time has come to start the future status process.

Since last year, a political process driven by a more dynamic international engagement has been underway in Kosovo. That process cannot be

interrupted or halted. Having moved from stagnation to expectation, stagnation cannot again be allowed to take hold.

It is also unlikely that postponing the future status process will lead to significant progress in the implementation of standards. Progress will be achieved only if the sense of a political perspective is maintained and if the international community is ready to mobilize greater political energy and pressure.

In addition, there is also a shared expectation in Pristina and in Belgrade, as well as in the region, that the future status process will now start. During the work on the comprehensive review, there has been a gradual shift in the preparedness for a future status process.

I am convinced that all will benefit from clarity with regard to what Kosovo will be. People will be able to make important decisions about their own future on an informed basis. I repeat, all need clarity. Such clarity will also remove an element of instability, which today hampers the political and economic development of Kosovo, as well as of the region.

The goals of the standards process are ambitious; they cannot be met over a short period of time. The standards process will require constant and determined efforts, stretching into and beyond the process of defining Kosovo's future status.

With a future status process underway, there is a risk that attention and energy would be focused on status to the detriment of standards. On the other hand, opening the future status process means that the international community will have enhanced leverage for further standards implementation. I would urge the international community to make full use of that leverage. Success in negotiating and implementing a future status will depend on further standards implementation. Insufficient standards implementation entails the risk of turning a future status into a failed status.

I would like to offer a few thoughts on the status process as such. In Kosovo that process will be very different from peace processes in other parts of the former Yugoslavia. In contrast to those processes, there is little to build on in Kosovo in terms of previous plans and preparations. Furthermore, the negotiations concern a territory that is still a part of a sovereign State but is administered by the United Nations through provisional self-governing institutions.

Every effort should be made to bring all the parties together and to keep them together throughout the status process. The process should not be rushed forward. However, once it has started, it must also be brought to a conclusion within a reasonable timeframe. The search for clarity should not lead us into a protracted period of confusion. Neighbouring States will need to understand the process, support it and, not least, be reassured by the way it is conducted.

The international community will require strength to carry the future status process forward and to implement its results. A reconfiguration of the international presence in Kosovo will be required, but it should take place in a coordinated manner in order to ensure that gaps do not emerge and that current and future requirements are met. During and after the future status process, the credibility of the international community will be of critical importance.

Kosovo will continue to depend on a significant international presence on the ground — military and civilian. The support required in so many areas cannot be provided by remote control. Entering a future status process does not mean entering the last stage, but the next stage of the international presence.

The President: I thank Mr. Eide for his briefing. I shall now give the floor to the Special Representative of the Secretary-General, Mr. Søren Jessen-Petersen.

Mr. Jessen-Petersen: For the past 12 months, this Council has been noting positive developments in Kosovo, including improvements in security and in the fields of standards implementation. But the Council has also underlined the need for further progress. A fortnight ago, upon Ambassador Eide's report, the Secretary-General recommended to the Council that the process of settling Kosovo's future status should begin very soon. I also want to thank Ambassador Eide for a very honest, objective and balanced report.

The start of the status process will be a galvanizing moment in Kosovo. And though its ultimate outcome cannot be known, I am confident that the resolution of Kosovo's status can have only a positive effect on the wider region, including on Serbia, in terms of political stabilization, reconciliation and economic growth. While the way ahead will no doubt be difficult, it must nonetheless be clear to all of

us that continuing with the status quo is not a viable option.

I know that the Prime Minister of Kosovo has transmitted to you this morning a letter for circulation in the Council. In the letter, the Government commits itself to moving forward, addressing with determination those obstacles still in the way of Kosovo's journey towards fulfilling its aspirations and towards a future in Europe.

Prime Minister Koštunica notes in his letter that forward movement is needed outside the status process as much as it is within it. In other words, political life in Kosovo cannot be consumed entirely by status talks, vital as they would be. There is a huge amount of work to be done even as talks proceed, and, as Ambassador Eide just noted, with a lot of leverage in the hands of the international community.

With that in mind, the United Nations Interim Administration Mission in Kosovo (UNMIK) has identified six priority areas on which we intend to concentrate over the coming months. In establishing those priorities, we have, of course, been guided by Ambassador Eide's report. You will note a strong commitment by the Prime Minister in his letter to continue working hard to deliver results in the pursuit of those priorities.

The first priority is to continue apace with the implementation of standards. The Provisional Institutions of Self-Government and UNMIK have reviewed the Kosovo standards implementation plan with a view to reinforcing progress on those actions that would do the most to improve the living conditions of minorities in Kosovo and to promote a multi-ethnic future.

Freedom of movement and returns are two key areas. On returns, we must continue working hard to reassure Kosovo Serbs who live in Kosovo and improve their living conditions while at the same time promoting the conditions for sustainable returns of those still displaced. I do not expect major returns before status is clarified, but to reassure Kosovo Serbs of their future in Kosovo, and to promote returns, we need the constructive engagement of Belgrade and the direct involvement of the Kosovo Serbs.

As the standards implementation plan is reinforced, we are working with the Provisional Institutions and the European Union (EU) to integrate the standards plan and Kosovo's European Partnership Action Plan, so that progress and standards may be linked to incentives whose energy would work on moving Kosovo towards the European future it shares with all the States in the western Balkans.

One of the key standards relates to the economy. Privatization, modernization of the management of publicly owned enterprises and development of a market-oriented legal regime, all lay the groundwork for the eventual growth of Kosovo's economy and prospects for a better future for all its people.

As we speak, the International Monetary Fund is in Pristina, working with the Provisional Institutions and UNMIK to reinforce Kosovo's fiscal management programmes and create the basis for a major donor support conference in December that can ease the tight budget constraints and allow for more development, in turn spurring growth. However, without clarity on status, progress will be limited, as foreign direct investments and access to loans will remain hugely problematic.

In this context, I would like to add that economic opportunities for all can act as a key source of reconciliation, whereas continued stagnation and lack of economic prospects will continue to be a key source of instability.

The second priority is to support the Provisional Institutions in pursuing a comprehensive reform of local government. In order to ensure that Belgrade is able to inject its thoughts into the debate on comprehensive reform, I informed President Tadic and Prime Minister Koštunica during my recent visit to Belgrade that the Provisional Institutions are ready to build on the recent meeting in Vienna, brokered by Ambassador Eide, between the Serbian Minister responsible for local government and his Kosovo counterpart. Such direct dialogue might initially focus on competences of local self-government, an issue of crucial importance in assuring the minorities that their future should be anchored in meaningful local government and authority within a centrally managed Kosovo process. Comprehensive reform to benefit all communities in Kosovo is now on the agenda, and, following the successful implementation of three out of the five pilot projects, I believe it is achievable in parallel with status talks.

As regards the third priority, we will continue to pursue a comprehensive security agenda, including the

transfer of competences from UNMIK to two new Provisional Ministries — Public Order and Justice — by the end of the year. The rule of law, with effective delivery of justice, and the continued combat against organized crime are key requirements for any viable society. We still have a way to go, but I believe that transfers in the areas of justice and police are crucial in order to prepare for status.

As we do this, we are very conscious of the sensitivity of these sectors, as Ambassador Eide also pointed out. We have made it clear that transfers in these areas would be gradual, phased and dependent on transparency and non-politicization at each stage. We will also be looking beyond the immediate requirements of these two Ministries to the wider field of security by pushing forward a comprehensive internal security sector review. This process, which includes all communities in Kosovo, is intended to help formulate a sense of the challenge that faces Kosovo in the field of security and, thereby, to assist in the design of its future internal security architecture, to be implemented when status has been resolved.

Fourthly, the Provisional Institutions, UNMIK and donors must and will strengthen our efforts in the field of capacity-building in order to ensure that, regardless of the outcome of status talks, Kosovo's institutions will be fully capable of taking on the responsibilities that will flow to them. A lot of progress has been made over the last 12 months with the ongoing transfer of competences from UNMIK to central and local Provisional authorities. The Provisional Institutions have committed themselves to establishing an action plan in the very near future, which will contain an overview of capacity needs and how to address them, targeted towards managing post-status Kosovo. That will allow for coordinated and strategic planning on the part of the Government, including all its line ministries, and also on the part of donors who can support the identified needs.

Fifthly, we will continue to restructure UNMIK throughout the coming period with a view to having an optimal set-up throughout the status process. At the same time, we are cooperating with our international partners, such as the European Union, the Organization for Security and Cooperation in Europe and NATO, to develop a phased and well-managed transition to eventual future arrangements, following, but without prejudice to, the outcome of status talks. We have begun a process of informal dialogue with key partners to identify those areas where there may be need for continued international presence and support to the authorities and citizens of Kosovo.

Finally, for close cooperation among the Kosovo Force (KFOR), UNMIK and the Kosovo Police Service and, increasingly, with the central and local authorities in Kosovo, we will continue our efforts to ensure the maintenance of a safe and secure environment for everyone in Kosovo. The security environment in Kosovo is stable at the moment, but isolated recent incidents remind us that, with the difficult status process about to begin, there is no cause for complacency. That process, and possible provocations from all sides, will undoubtedly test our ability to maintain the security environment that has, by and large, prevailed in Kosovo during the last 18 months.

The Commander of KFOR — to whom and to whose troops I want to pay tribute — and I are confident that we are well equipped to respond to any threat that may aim at stopping Kosovo's way forward. Indeed, the forthcoming status process presents risks and confronts political leaders with difficult choices, but it represents a huge opportunity for Kosovo. It is an opportunity for the Kosovo Albanian leadership to show true commitment and action and take more decisive steps to build the kind of multi-ethnic, democratic and tolerant society that will undoubtedly bring them closer to realizing their dreams and goals when status is decided.

I believe the status process also presents a chance for Belgrade and, importantly, for Kosovo Serbs to engage. The coming months will provide a singular opportunity for them to define their role and position in Kosovo's future. It is vital that they be able to seize this chance and ensure that their voice is heard in both the status talks themselves and in the institutions for Kosovo while those talks proceed. I hope that Belgrade will see this opportunity to make it possible for the Kosovo Serb community to take their seats in the Assembly and in Kosovo's Provisional Institutions at all levels, so that they can play an active part in designing Kosovo's future.

Let me emphasize a point that should not go unstated and that was also mentioned by Ambassador Eide. The status process is one in which the voices of civil society and all the people of Kosovo must be heard and respected. Kosovo's Turks, Bosniacs, Gorani, Roma, Croats, Ashkali and Egyptians have as

much claim to our consideration and to the future of Kosovo as its Serbs and Albanians. Kosovo's diversity is, in fact, its treasure.

We all know that the positions of Belgrade and Pristina on the issue of Kosovo status are far apart. But it will remain so until and unless it is resolved by an international managed process. The sooner it is done, the better it will be for the citizens of Kosovo and the region. After more than six years of United Nations involvement and investment in Kosovo, we now have the chance and the challenge to support the citizens as they leave the painful past behind and build a peaceful and prosperous future.

The Security Council has of course played a key role in getting us this far. And I know that I can count on the continued support and active engagement of members of this Council now and in the next and decisive phase of the implementation of Security Council resolution 1244 (1999).

The President: I shall now give the floor to the Prime Minister of the Republic of Serbia, His Excellency Mr. Vojislav Koštunica.

Mr. Koštunica (Serbia and Montenegro): I should like to begin by expressing great respect for this body of the world Organization. I am addressing members today in their capacity as representatives of United Nations Security Council member States in the firm belief that the Council constitutes the most credible and reliable guarantor of the foundations not only of the United Nations, but of the entire world order. Members know better than anyone else that the inviolability of the sovereignty and territorial integrity of States is one of these fundamental principles.

My country, Serbia and Montenegro, is a loyal and active Member of the United Nations. Both in word and action, it has repeatedly proven its commitment to the principles that govern world peace and stability today. In the same spirit of trust, we expect that the Security Council will exercise its authority and, in the case of Serbia and Montenegro and its province Kosovo and Metojiha, safeguard the sovereignty and territorial integrity of my country.

I believe that we all share the conviction that to dismember a democratic State and to change its internationally recognized borders against its will are options not to be contemplated. This would not only be an unprecedented case in international law and in the practice of the United Nations, but also a dangerous precedent with grave long-term consequences for the international order in general. I would like the Council to consider that the responsibility facing it today is not related solely to the fate of a single Balkan State. What is at stake here is a set of core principles that the United Nations accepts and has to accept in its mission of safeguarding world peace.

It is very important for me to emphasize to the Security Council that Serbia and Montenegro is fully prepared to assume its share of responsibility in the process of resolving the Kosovo and Metojiha issue in accordance with the basic principles of international law and the democratic values of the contemporary world. Within this general framework, we are committed to a compromise solution and willing to ensure substantial autonomy for Kosovo and Metojiha as a part of the State Union of Serbia and Montenegro. The future of my country, of the region and, to a certain extent, that of Europe itself will depend on a just and viable solution to the Kosovo issue.

We thus come before this forum with respect and trust, expecting it to make a vital contribution in the spirit of its previous documents, in particular that of Security Council resolution 1244 (1999) of 10 June 1999. That resolution clearly reaffirms the sovereignty and territorial integrity of Serbia and Montenegro, and we are confident that forthcoming decisions of the Council will not depart from this fundamental principle of the United Nations.

The Security Council today faces a daunting task. It has to decide whether to move to the next stage in resolving the Kosovo and Metojiha issue, even though the precisely defined tasks of the previous stage remain uncompleted. At earlier Council meetings on Kosovo and Metojiha, we offered several fully documented assessments of the difficult situation in the province, with particular emphasis on the hopeless position of Serbs and other non-Albanians. We have repeatedly provided convincing information, not only on the absence of multi-ethnicity in Kosovo and Metojiha, but also on grave violations of fundamental rights and freedoms, from the right to life itself to freedom from fear.

Ambassador Kai Eide's report before the Security Council today (S/2005/635) has two main aims: to provide a comprehensive assessment of the situation in Kosovo and, on the basis of that assessment, to

determine whether talks on the future status of the province should be initiated. In particular, Ambassador Eide's task was to evaluate progress in the implementation of standards that constitute the foundation of a democratic, multi-ethnic and economically viable society.

In his comprehensive review, Ambassador Eide presents many essential and important facts, particularly with regard to the difficult position of the Serbian and other non-Albanian communities in Kosovo and Metohija. I shall just quote a few. "[L]ittle has been achieved to create a foundation for a multi-ethnic society", so that the situation in this respect is, as Ambassador Eide rightly says, "grim". "[t]he minority communities — and especially the Kosovo Serbs — suffer from more than a perceived insecurity". In any case, according to Ambassador Eide, "It is difficult to expect that people from minority communities should take risks in order to verify whether freedom of movement and security are" or are not realities.

"At present, property rights are neither respected nor ensured", Mr. Eide says. Examples include many cases of illegal seizures of Serbian State property through the privatization process that are not specifically mentioned in his report. "Illegal construction and occupation of homes ... are widespread phenomena". Where minority communities are concerned, the Eide report states, "Harassment, looting, stealing of cattle and other similar incidents occur very frequently. This is in addition to widespread illegal occupancy of property, especially agricultural land, which makes it impossible to gain access such property and to use it or cultivate it without a security risk".

The following sentences in paragraph 50 of the Eide report are particularly significant:

> "Lack of security and respect for property rights as well as uncertainty about the future contribute heavily to the fact that the overall return process has virtually come to a halt. There is a strong feeling that those who commit crimes enjoy impunity and that the possibility for establishing viable livelihoods is very limited. The great majority of the people who left Kosovo after June 1999 have not come back."

These statements gain particular importance in the light of precise data not offered in Mr. Eide's report. Today, may I remind you that more than 60 per cent of Kosovo Serbs are internally displaced persons in central Serbia. Apart from Northern Mitrovica, there are no more Serbs in Pristina, Prizren, Pec, Gnjilane, Urosevac, and other towns in the province. The Serbs in Kosovo and Metohija are now reduced to a dwindling rural population, living in fear and often deprived of their most basic rights.

The best illustration of the precarious legal position of the Serb community in Kosovo and Metohija is the fact that 17,000 court cases involving individual property claims by local Serbs have been positively resolved, but none of these decisions have been implemented.

Since June 1999, Orthodox Christianity has been exposed to deliberate and brutal persecution. Some 150 Orthodox churches and monasteries have been destroyed or irreparably damaged. Orthodox cemeteries throughout the province have been desecrated and in many cases destroyed. Orthodox Christians have been denied the basic right to profess and practice their faith.

The Eide report attributes those massive violations of human and minority rights not only to ethnically motivated violence against minorities, but also to the fragility and malfunctioning of institutions, particularly the police and the judiciary. That holds true both for the Provisional Institutions at the central level — where, as the report emphasizes, Kosovo Serbs fear they will become a decoration, with little real ability to yield tangible results — and for the institutions of local self-government, which have yet to properly define, let alone implement, plans for the protection of the Serb and other non-Albanian communities.

In spite of all those facts, Ambassador Eide recommends that we should move on to the next stage of the process, the future status talks. He also adds that there will not be any good moment for addressing Kosovo's future status, and insists that the implementation of standards should continue throughout the future status talks. Nevertheless, the critical question for all of us remains: whether future status talks can succeed if the crucial standards for human rights and fundamental freedoms in Kosovo and Metohija are neither fulfilled nor anywhere near fulfilment in the foreseeable future. Today I believe we have to answer that question as follows. It is only

through a serious, completely realistic assessment of the situation in Kosovo and Metohija — to which Ambassador Eide's report makes a significant contribution — that we can attain what I want to see as the common aim of all those involved in the Kosovo issue: a democratic and multiethnic Kosovo and Metohija, where respect for rights will replace fear and violence.

I wish to underline here that in the forthcoming talks Serbia and Montenegro will be fully guided by the general principles and norms of international law and universally accepted democratic values. Let me also express, on behalf of my country, the firm belief that the Security Council will act upon the principle of the sovereignty and territorial integrity of democratic States, and so define the framework and mandate of future status talks as talks on the future status of Kosovo and Metohija as a province within the internationally recognized State of Serbia and Montenegro. I want to point out that all the principles for resolving the Kosovo and Metohija issue, which I am relying on here, are precisely the principles of the United Nations, which the Security Council is responsible for implementing. Let me just mention them.

Our first principle, I repeat, is that any solution must respect the sovereignty and territorial integrity of Serbia and Montenegro as an internationally recognized State, a member of the United Nations and other international organizations. That principle is supported by the basic sources of international law, including, inter alia, the United Nations Charter and the Helsinki Final Act, and — in the particular case at hand — is confirmed by resolution 1244 (1999), where the sovereignty and territorial integrity of Serbia and Montenegro are recognized *expressis verbis*. Apart from the basic sources of international law, the borders and territorial integrity of the States created after the break-up of the former Yugoslavia are additionally guaranteed by specific international documents and agreements such as the opinions of the Arbitration Commission of the Conference on Yugoslavia — in particular, Opinion No. 3 of 11 January 1992 — and the General Framework Agreement for Peace in Bosnia and Herzegovina of 21 November 1995, also called the Dayton-Paris Agreement.

In addition to being supported by the basic sources and rules of international law, these principles are confirmed by all Security Council resolutions covering the Kosovo crisis prior to resolution 1244 (1999) — namely, resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999). They all recognize, *expressis verbis*, the sovereignty and territorial integrity of Serbia and Montenegro. Let me also say that I view the Security Council, legally bound by the United Nations Charter, as the right place to state unambiguously that in this instance we are not discussing the non-binding obligations of States, but, rather, the most stringent norms of international law — the *jus cogens* norms — respect for which is a sine qua non for the international community as a whole to function.

Secondly, the future status talks should take into account the fact that Serbia and Montenegro is a democratic State. We find it inconceivable, as I am sure Council members do, that solutions should be imposed on any democracy against its will, least of all, solutions that threaten its internationally recognized borders. Any attempt to impose such a solution through the de facto legalization of a partition of Serbia — that is, through the forcible secession of a part of its territory — would be tantamount to legal violence not only against a democratic State, but against international law itself.

Thirdly, our political efforts will be directed to defining a specific and viable form of substantial autonomy for Kosovo and Metohija, whereby the legitimate interests of Kosovo Albanians will be fully acknowledged. Allow me to remind the Council that substantial autonomy for the province was proposed as a political solution for the Kosovo crisis by resolution 1160 (1998), reaffirmed by the Foreign Ministers of the Group of Eight on 6 May 1999, and the June 1999 agreement that brought an end to the hostilities in Kosovo.

Finally, I believe that Council members will agree with me when I say that a peaceful, negotiated solution on the future status of Kosovo and Metohija within the State union of Serbia and Montenegro will be a decisive step towards European integration not only for my country, but for the region as a whole. A negotiated solution implies a compromise that will make it impossible for Serbs and Albanians alike to attain all their goals and aspirations. On the other hand, it is only compromise that can further our integration into the European economic, social and cultural space and, ultimately, the European Union itself.

Those truly fundamental commitments constitute the framework within which our country, with good intentions and faith in the future, is approaching the process of defining the future status of Kosovo and Metohija.

The future status process will have the best likelihood of success if, in its crucial and most sensitive part, it takes the form of direct talks between representatives of the two sides. I am certain that we can all agree that the future status talks should aim at a negotiated solution to be reached by the parties in conformity with the essential principles and norms of international law. If that is genuinely our goal, our talks must be direct. If that cannot be achieved immediately, at the very beginning, it is clear that the Secretary-General's Special Envoy will have to do his best to make it possible. It is our firm belief that the only way to attain a negotiated solution is through direct talks mediated by the Special Envoy and his associates.

I would like to say that the general situation in Serbia and Montenegro, as well as in Kosovo and Metohija, differs greatly from that of June 1999. A democratic government has been established in Serbia, and Serbia and Montenegro has resolved its status within the United Nations and irrevocably joined the European integration process. That has added a democratic dimension to the internationally recognized sovereignty and territorial integrity of Serbia and Montenegro, which were already clearly reaffirmed in June 1999. Genuine respect for human and minority rights, good-neighbourly relations and peace in the region and in the world have become the principal guidelines of my country's domestic and foreign policy. Serbia and Montenegro is increasingly affirming itself as a bulwark of basic democratic values both within its territory and in the region.

I should like to conclude by stating that my country is committed to making every effort to reach a negotiated solution on the basis of compromise, together with the Security Council and in a manner compatible with the norms of international law. I hope that the other party to the dispute will be ready to assume its share of responsibility. I am convinced that the international community, embodied in the United Nations, will not succumb to threats of violence and permit the dismemberment of a democratic State and the undermining of the most basic principles of the international order. I am convinced — and no one can understand this better than the members of the Council — that no democratic and free State could accept that under any circumstances. For that is exactly what we are discussing today.

Knowing that we share the common principles underlying both the international legal order and the United Nations itself, I express full confidence in the Security Council and in its just treatment of the Kosovo and Metohija issue. Today, I expect from the Council nothing less than elementary justice and nothing more than agreement that my country is entitled to the protection of the same universal principles that apply to each one of the countries members of the Council, as well as to all other States that belong to the world family of democratic nations.

Finally, in the belief that the Security Council will consider in full earnest the arguments I have presented, I would like to thank you, Mr. President, for the opportunity to address this very important meeting.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda. In accordance with the understanding reached in the Council's prior consultations, I shall now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.15 a.m.